

## R E M A R K S

The Examiner had rejected claim 25 under Section 102 as fully met by Defendini US 5,244,557. It is submitted that claim 25, as originally presented, was patentably distinguishable from Defendini in at least two particulars.

First, Defendini does not disclose a solid electrolyte sheet layer but rather discloses an electrolyte layer drained off from a solution. Thus, Defendini describes his electrolyte at col. 6, line 38, et seq., as:

a solid solution of anhydrous phosphoric acid in polyoxyethylene. Preparation of the electrolyte: under anhydrous conditions, for each liter of solvent, 21.5 gms of anhydrous phosphoric acid is dissolved, together with a polyoxyethylene of molecular weight about 5,000,000 (density 1.21; glass transition temperature -40.degree. C.; ratio of the number of oxygen atoms of the polymer to the number of hydrogen atoms of the acid equal to 0.66). The solvent is a 60/40 mixture by volume of acetonitrile and tetrahydrofuran.

The solution is thereafter drained off in an atmosphere having a controlled amount of moisture (i.e., less than or equal to 50 ppm of water) by film drawing on the substrate covered by one or the other of the layers of electrochromic material. After evaporation of the solvent at room temperature under dry air for 20 hours, a film of 50 microns was obtained whose conductivity at 20.degree. C. was 9.multidot.10.sup.-5 ohm.sup.-1 .multidot.cm.sup.-1 and whose light transmission was greater than 85%.

The onerous vacuum and liquid handling procedures described by Defendini are completely obviated by applicant's dry assemblage method as defined in claim 25 which uses a solid electrolyte sheet positioned on a first substrate.

Secondly, Defendini does not disclose the use of the electrolyte to adhere the two substrates, rather the Defendini method forms a laminate that uses the "spacer, to adhere the substrates together as set forth in Defendini claim 1:

sandwiching said heated support plates together by the application of pressure to an uncoated portion of at least one of said plates, such that said spacer means flows sufficiently within the gap between said coated plates to form a seal therebetween substantially impervious to water vapor, to form a laminated electrochromic glazing,

Under the circumstances, claim 25, as originally drafted, is believed to distinguish over the Defendini method. However, claim 25 has been amended to improve

Serial Number: 10/623,869

5

form. The amendment to claim 25 does not inject new matter. (See Summary of the Invention).

Claims 26-28 being dependent upon claim 25 should be allowable

Newly added claims 28 – 31 are dependent on claim 25 and, similarly, should be allowable.